2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper of the Chair of Main Committee II

Reaffirmation of commitments

1. The States parties reiterate their commitment to the effective and full implementation of the Treaty, the decisions and resolution on the Middle East of the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference.

2. The Conference reaffirms the fundamental importance of full and strict compliance by all States with all provisions of the Treaty, and recognizes that full implementation of all provisions of the Treaty is essential to preserve the integrity of the Treaty and continuation of trust among States parties.

3. The Conference reaffirms that the International Atomic Energy Agency (IAEA) is the sole competent authority responsible for verifying and assuring, in accordance with the statute of IAEA and the IAEA safeguards system, compliance by States parties with their safeguards agreements undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It is the conviction of the Conference that nothing should be done to undermine the authority of IAEA in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

4. The Conference re-emphasizes the importance of access to the United Nations Security Council and the General Assembly by IAEA, including its Director General, in accordance with article XII.C. of the statute of IAEA and paragraph 19 of INFCIRC/153(Corrected), and the role of the United Nations Security Council and the General Assembly, in accordance with the Charter of the United Nations, in upholding compliance with IAEA safeguards agreements and ensuring compliance with safeguards obligations by taking appropriate measures in the case of any violations notified to it by IAEA.

5. The Conference reaffirms that the Treaty is vital in preventing the proliferation of nuclear weapons, thereby providing significant security benefits. The Conference

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remains convinced that universal adherence to the Treaty can achieve this goal, and it urges all States not parties to the Treaty, India, Israel and Pakistan, to accede to it as non-nuclear-weapon States, without further delay and without any conditions, and to bring into force the required comprehensive safeguards agreements, and Additional Protocols consistent with the Model Additional Protocol (INFCIRC/540(Corrected)).

6. The Conference recognizes that IAEA safeguards are a fundamental component of the nuclear non-proliferation regime, play an indispensable role in the implementation of the Treaty and help to create an environment conducive to nuclear cooperation.

7. The Conference reaffirms that nothing in the Treaty should be interpreted as affecting the inalienable right of all States parties to the Treaty to develop research, production and the use of nuclear energy for peaceful purposes in conformity with the non-proliferation obligations under the Treaty.

8. The Conference reconfirms paragraph 12 of decision 2 (Principles and objectives for nuclear non-proliferation and disarmament) of the 1995 Review and Extension Conference, which provides that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the full scope IAEA safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

9. The Conference reaffirms that the implementation of comprehensive safeguards agreements pursuant to article III, paragraph 1, of the Treaty should be designed to provide for verification by IAEA of the correctness and completeness of a State's declaration so that there is a credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities.

Nuclear-weapon-free zones

10. The Conference reaffirms the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes to the goals of general and complete disarmament.

Review of the operation of the Treaty

11. The Conference welcomes the succession of Montenegro to the Treaty in 2006.[1]

12. The Conference welcomes the fact that 166 States have brought into force comprehensive safeguards agreements with IAEA in accordance with article III, paragraph 4, of the Treaty.

[1] To be consistent with the relevant paragraph in the texts of the other Main Committees.

13. The Conference welcomes the fact that, since May 1997, the IAEA Board of Governors has approved additional protocols (INFCIRC/540(Corrected)) to comprehensive safeguards agreements for 133 States. Additional protocols are currently being implemented in 102 States.

14. The Conference notes that all nuclear-weapon States have now brought into force additional protocols to their voluntary offer safeguards agreements incorporating those measures provided for in the Model Additional Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol.

15. The Conference recognizes that comprehensive safeguards agreements based on document INFCIRC/153 have been successful in their main focus of providing assurance regarding declared nuclear material and have also provided a limited level of assurance regarding the absence of undeclared nuclear material and activities. The Conference notes that the implementation of measures specified in the Model Additional Protocol provides, in an effective and efficient manner, increased confidence about the absence of undeclared nuclear material and activities in a State as a whole and that those measures have been introduced as an integral part of the IAEA safeguards system. In this regard, the Conference notes that it is the sovereign decision of any State to conclude an additional protocol but, once in force, the additional protocol is a legal obligation.

16. The Conference recognizes additional protocols as an integral part of the IAEA safeguards system and affirms that a comprehensive safeguards agreement, together with an additional protocol, represents the verification standard that best fulfils the objectives of article III of the Treaty. The Conference also notes that the additional protocol represents a confidence-building measure.

17. The Conference notes that measures provided for under the comprehensive safeguards agreements and also the additional protocols increase the ability of IAEA to verify the peaceful use of all nuclear material in all non-nuclear-weapon States.

18. The Conference stresses the importance of maintaining and observing fully the principle of confidentiality regarding all information related to implementation of safeguards in accordance with safeguards agreements.

19. The Conference welcomes the important work being undertaken by IAEA in the conceptualization and development of State-level approaches to safeguards implementation and evaluation, and in the implementation of State-level integrated safeguards approaches by IAEA, which results in an information-driven system of verification that is more comprehensive, as well as more flexible and effective. The Conference welcomes the implementation by IAEA of integrated safeguards in 47 States parties.

20. The Conference notes that bilateral and regional safeguards play a key role in the promotion of transparency and mutual confidence between States, and that they also provide assurances concerning nuclear non-proliferation.

21. The Conference expresses its concern with cases of non-compliance with the Treaty by States parties, and calls on those States non-compliant to move promptly to full compliance with their obligations.

22. The Conference underlines the importance of IAEA exercising fully its authority to verify the declared use of nuclear material and facilities and the absence

of undeclared nuclear material and activities in States parties to comprehensive safeguards agreements; views the additional protocols as an effective and efficient tool for IAEA to obtain a fuller picture of the existing and planned nuclear programmes and material holdings of the non-nuclear-weapon States; and notes that the entry into force and implementation of additional protocols in non-nuclear-weapon States is of vital importance for IAEA to be able to provide credible assurances about the exclusively peaceful nature of non-nuclear-weapon States' nuclear programmes.

23. The Conference welcomes the efforts of IAEA to assist the States parties in strengthening their national regulatory controls of nuclear material, including the establishment and maintenance of State systems of accounting for and control of nuclear material.

24. The Conference acknowledges the important role of the national and international export control frameworks for nuclear material, equipment and technologies. The Conference underlines that effective and transparent export controls are central to cooperation in the peaceful uses of nuclear energy, which depends on the existence of a climate of confidence about non-proliferation.

25. The Conference notes the paramount importance of effective physical protection of all nuclear material and the need for strengthened international cooperation in physical protection. The Conference welcomes the adoption in 2005 of the amendment to the Convention on the Physical Protection of Nuclear Material.[2]

26. The Conference emphasizes the important role of IAEA in the global efforts to improve the global nuclear security framework and to promote its implementation, and notes the work being undertaken by IAEA in developing the Nuclear Security Series and assisting States in meeting appropriate security standards.

27. The Conference welcomes the work of IAEA in support of the efforts of States parties to combat illicit trafficking in nuclear materials and other radioactive substances. The Conference welcomes the IAEA activities undertaken to provide for an enhanced exchange of information, including the continued maintenance of its illicit trafficking database. The Conference recognizes the need for enhanced coordination among States and among international organizations in preventing, detecting and responding to the illicit trafficking in nuclear and other radioactive materials.

28. The Conference notes the entry into force in 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism.

Nuclear-weapon-free zones

29. The Conference welcomes the steps that have been taken since 2005 to conclude nuclear-weapon-free-zone treaties and recognizes the continuing contributions that the Antarctic Treaty and the Treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia are making towards attaining the objective of nuclear disarmament and nuclear non-proliferation.

[2] To be consistent with the relevant paragraph in the text of Main Committee III

30. The Conference recalls the declaration by Mongolia of its nuclear-weapon-free status and supports the measures taken by Mongolia to consolidate and strengthen that status.

31. The Conference welcomes the entry into force of the Pelindaba Treaty on 15 July 2009. The Conference also welcomes actions by different nuclear-weapon-free zones to pursue their objectives, in particular the plan of action for the period 2007-2012 endorsed by the South-East Asia Nuclear-Weapon-Free Zone Commission to strengthen the implementation of the Bangkok Treaty and the ongoing consultations between ASEAN and nuclear-weapon States on the Protocol to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone.

32. The Conference welcomes the entry into force on 21 March 2009 of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia. The Conference considers that the establishment of a nuclear-weapon-free zone in Central Asia constitutes an important step towards strengthening the nuclear non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy and in the environmental rehabilitation of the territories affected by radioactive contamination.

33. The Conference welcomes the announcement of the United States of America of its intention to start the process aimed at the ratification of the protocols to the African and South Pacific Nuclear-Weapon-Free Zone treaties and the intention to conduct consultations with the parties to the nuclear-weapon-free zones in Central and South-East Asia, in an effort to sign and ratify relevant protocols.

34. The Conference welcomes the results of the First Conference of States Parties and Signatories to Treaties that establish Nuclear-Weapon-Free Zones, held on 28 April 2005 in Mexico City, and the Second Conference of States Parties and Signatories to Treaties that establish Nuclear-Weapon-Free Zones and Mongolia, held on 30 April 2010 in New York, as an important contribution to achieving a nuclear-weapon-free world. The Conference also welcomes the vigorous efforts made by States parties and signatories to those treaties to promote their common objectives.

Forward-looking action plan

35. The Conference calls upon all States parties to exert all efforts to promote universal adherence to the Treaty and not to take any actions that can negatively affect prospects for the universality of the Treaty.

36. The Conference re-endorses the call by previous Conferences of the States parties for the application of IAEA comprehensive safeguards to all source or special fissionable material in all peaceful nuclear activities in the States parties in accordance with the provisions of article III of the Treaty.

37. The Conference, noting that 18 States parties to the Treaty have yet to bring into force comprehensive safeguards agreements, urges them to do so as soon as possible and without further delay.

38. The Conference underlines the importance of addressing all compliance challenges. These challenges need to be met firmly in order to uphold the Treaty's integrity and the authority of the IAEA safeguards system.

39. The Conference calls on all States parties to strictly comply with their nuclear disarmament and non-proliferation obligations, including with their IAEA safeguards agreements and relevant IAEA Board of Governors and United Nations Security Council resolutions. The Conference supports the efforts of IAEA to resolve safeguards implementation issues associated with States' safeguards agreements.

40. The Conference also calls upon the States parties to seek solutions to all issues related to non-proliferation in accordance with the obligations, procedures and mechanisms established by the relevant international legal instruments.

41. The Conference urges all States parties that have not yet done so to conclude and to bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force.

42. The Conference encourages IAEA to further facilitate and assist the States parties in the conclusion and entry into force of comprehensive safeguards agreements and additional protocols. The Conference calls on IAEA and States parties to identify specific measures that would promote the universalization of the comprehensive safeguards agreements and additional protocols.

43. The Conference calls for the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States, under the relevant voluntary offer safeguards agreements, in the most economic and practical way possible, taking into account the availability of the IAEA resources, and stresses that comprehensive safeguards and additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved.

44. The Conference urges all States parties with small quantities protocols which have not yet done so to amend or rescind them, as appropriate, as soon as possible.

45. The Conference recommends that IAEA safeguards should be assessed and evaluated regularly. Decisions adopted by the IAEA Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented.

46. The Conference calls upon all States parties to ensure that IAEA continues to have all political, technical and financial support so that IAEA is able to effectively meet its responsibility to apply safeguards as required by article III of the Treaty.

47. The Conference encourages IAEA to further develop a robust, flexible, adaptive and cost-effective international technology base for advanced safeguards through cooperation among Member States and with IAEA.

48. The Conference urges all States parties to ensure that their nuclear-related exports do not directly or indirectly assist the development of nuclear weapons or other nuclear explosive devices and that such exports are in full conformity with the objectives and purposes of the Treaty as stipulated, particularly, in articles I, II and III of the Treaty, as well as the decision on principles and objectives for nuclear non-proliferation and disarmament adopted in 1995 by the Review and Extension Conference.

49. The Conference encourages States parties to make use of the guidelines and understandings developed by supplier arrangements in developing their own national export controls.

50. The Conference encourages States parties to consider whether a recipient State has brought into force an additional protocol based on the Model Additional Protocol in making nuclear export decisions.

51. The Conference calls upon all States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes. Transfers of nuclear technology and international cooperation in conformity with articles I, II and III of the Treaty are to be encouraged. They would be facilitated by eliminating undue constraints that might impede such cooperation.

52. The Conference calls upon all States to maintain the highest possible standards of security and physical protection of nuclear materials.[2]

53. The Conference calls on all States parties to apply, as appropriate, the IAEA recommendations on the physical protection of nuclear material and nuclear facilities (INFCIRC/225/Rev.4(Corrected)) and other relevant international instruments at the earliest possible date.[2]

54. The Conference calls on all States parties to the Convention on the Physical Protection of Nuclear Material to ratify the amendment to the Convention as soon as possible and encourages them to act in accordance with the objectives and the purpose of the amendment until such time as it enters into force. The Conference also calls on all States that have not yet done so to adhere to the Convention and adopt the amendment as soon as possible.[2]

55. The Conference urges all States parties to implement the principles of the revised IAEA Code of Conduct on the Safety and Security of Radioactive Sources, as well as the Guidelines on the Import and Export of Radioactive Sources approved by the IAEA Board of Governors in 2004.[2]

56. The Conference calls upon all States to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear materials throughout their territories and calls upon those States parties in a position to do so to work to enhance international partnerships and capacity-building in this regard. The Conference also calls upon States parties to establish and enforce effective domestic controls to prevent the proliferation of nuclear weapons as set out in United Nations Security Council resolutions 1540 (2004), 1673 (2006) and 1810 (2008).[2]

57. The Conference urges all States that have not yet done so to become parties to the International Convention for the Suppression of Acts of Nuclear Terrorism as soon as possible.[2]

58. The Conference encourages IAEA to continue to assist the States parties in strengthening their national regulatory controls of nuclear material, including the establishment and maintenance of State systems of accounting for and control of nuclear material. The Conference calls upon IAEA member States to broaden their support for the relevant IAEA programmes.

Nuclear-weapon-free zones

59. The Conference stresses the importance of the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant protocols to the treaties that establish nuclear-weapon-free zones in order to assure the total absence

of nuclear weapons in the respective territories as envisaged in article VII of the Treaty.

60. The Conference calls on the nuclear-weapon States to bring into effect the security assurances provided by nuclear-weapon-free-zone treaties and their protocols.

61. The Conference encourages fostering cooperation and enhanced consultation mechanisms among the existing nuclear-weapon-free zones through the establishment of concrete measures in order to fully implement the principles and objectives of the relevant nuclear-weapon-free zone treaties and to contribute to the implementation of the Treaty regime.

62. The Conference underlines the importance of the establishment of nuclear-weapon-free zones where they do not exist, especially in the Middle East.

63. The Conference urges the States concerned to resolve any outstanding issues regarding functioning of the Central Asian Nuclear-Weapon-Free Zone in accordance with the 1999 United Nations Disarmament Commission Guidelines.

64. The Conference acknowledges the initiative to hold a meeting of States Parties and Signatories of Treaties establishing Nuclear-Weapon-Free Zones and States having declared their nuclear-weapon-free status within the framework of the forthcoming Review Conferences of the Treaty.